

REMARKS

The present Response addresses not only the Final Office Action but also the comments attached to the Advisory Action.

Eldering (U.S. Patent No. 6,615,039) attempts to insert or replace CM images in a predetermined CM area within a single main video stream.

The present invention aims at multiplexing, based on a data carousel transmission method, contents of data broadcasting with a CM area in a digital broadcasting main video stream. Additionally, in order to allow for playback of data broadcasting at the start of CM, data broadcasting contents are multiplexed with the main program prior to the start of CM.

In the Advisory Action, the Examiner referred to *Eldering* (Column 10, Lines 41 -47) as follows:

“In an exemplary embodiment of this aspect of the invention, the packets of auxiliary data are inserted in between the packets of the primary programs whenever the distribution channel is idle for a time interval that is at least as long as the time interval needed to transmit the next packet of auxiliary data. In addition, MPEG-compliant program map data illustrating the location of each of the primary program or auxiliary data stream components in the multiplexed data stream are inserted into the data stream for use at the receivers. Such program maps are described in Section 2.4.4 of the MPEG system layer documentation, ISO/IEC 13818-1.”

The Examiner contended that sending a program map repeatedly by such a transport format is the same as sending scripts repeatedly. It is noted the Final Office Action contended that the difference between the MPEG-compliant program map taught by *Eldering* and the script is not clear.

The MPEG-compliant program map taught by *Eldering* can be interpreted, as described in Column 10, Lines 41-47, as a program map described in the Section 2.4.4 of the MPEG system layer documentation, ISO/IEC 13818-1. The Section 2.4.4 describes “program specific

information,” and specifically describes “program association table,” “program map table,” “network information table,” and “conditional access table,” and the program map is considered to correspond to the “program map table.” It appears that the Office Action regarded the PMT (Program Map Table) of the MPEG-2 system as the script, thus contending that our present invention is the same as *Eldering*. While a PMT is indeed repeatedly transmitted in a predetermined period, the PMT is a table associating PIDs (packet IDs) and programs, and does not instruct any control of a receiving apparatus.

As claimed, the script of the present invention specifies operations for the receiving apparatus at the time when the receiving apparatus receives the storage instruction and a second specific program from the transmission unit. Then, the transmission unit transmits repeatedly-once or more-the generated script to the receiving apparatus as data broadcasting contents based on a data carousel transmission method so as to ensure the reception of the script from the broadcasting apparatus to the receiving apparatus.

Accordingly, the script of the present invention specifies, as shown in the amended claims, how the receiving apparatus, having received a script transmitted by the transmission, operates at the time when receiving a message from the transmission unit, and is thus significantly different in operation and function from the program map of *Eldering*. In addition, we have further amended the claims to read that the transmitted script is multiplexed, based on the data carousel transmission method, with the normal program as the data broadcasting contents, which is transmitted from the broadcasting apparatus to the receiving apparatus.

Regarding the “script generation unit,” the Examiner refers in the Final Office Action to *Eldering* as follows, “FIG. 5 illustrates the time independent feature of an advertisement insertion mux. This feature allows advertisements to be received at times not corresponding to the presentation times” (Column 7, Lines 28-30) and “The auxiliary data is distributed in non-

real time using any available channel capacity, and is stored locally at the selected receivers for real-time presentation at a later time” (Column 10, Lines 8-10), and contends that “a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement.”

However, even if the receiving apparatus has a function to store an advertisement, *Eldering* provides no teaching of any transmission unit for generating an instruction as a script and transmitting the script to the receiving apparatus together with the transmission of the advertisement.

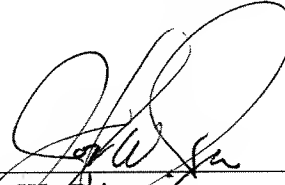
The script of the present invention is, as shown in the amended claims, generated by the script generation unit then multiplexed with the normal program as the data broadcasting contents based on a data carousel transmission method, and transmitted by the transmission unit from the broadcasting apparatus to the receiving apparatus.

It is believed that the case is now in condition for allowance and early notification of the same is requested.

If the Examiner believes a telephone interview will help further the prosecution of this case, the undersigned attorney can be contacted at the listed telephone number.

Very truly yours,

SNELL & WILMER L.L.P.

A handwritten signature in black ink, appearing to read 'Joseph W. Price', is written over a horizontal line.

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